

CITY OF NORFOLK, NEBRASKA

The Mayor and City Council of the City of Norfolk, Nebraska met in regular session in the Council Chambers, 309 North 5th Street, Norfolk, Nebraska on the 20th day of February, 2018, beginning at 5:30 p.m.

Following a moment of silence and the Pledge of Allegiance to the flag of the United States of America, Mayor Josh Moenning called the meeting to order. Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Thad Murren, Dave Fauss, and Dick Pfeil. Absent: Gary L. Jackson.

Staff members present were: City Administrator Andy Colvin, City Attorney Clint Schukei, City Clerk Beth Deck, Finance Officer Randy Gates, Public Safety Director Shane Weidner, Administrative Secretary Bethene Hoff, Water & Sewer Director Dennis Watts, Fire Chief Scott Cordes, Park Superintendent Pat Mrsny, Public Works Director Steve Rames, Risk Manager Lyle Lutt, City Planner Val Grimes, Communications Director Liz Wallace and Police Chief Bill Mizner.

The Mayor presided and the City Clerk recorded the proceedings.

The Mayor informed the public about the location of the current copy of the Open Meetings Act posted in the City Council Chambers and accessible to members of the public.

Oath of Office for Ward 4 City Council representative

The Mayor requested the Oath of Office for the Ward 4 City Council representative. City Clerk Beth Deck administered the oath of office to newly appointed Ward 4 City Council representative Jarad Dahlkoetter.

Following the swearing in ceremony, Mayor Moenning requested roll call.

Roll call found the following Councilmembers present: Corey Granquist, Jim Lange, Rob Merrill, Jarad Dahlkoetter, Thad Murren, Dave Fauss and Dick Pfeil. Absent: Gary L. Jackson.

Notice of the meeting was given in advance thereof by publication in the Norfolk Daily News, Norfolk, Nebraska, the designated method of giving notice, as shown by affidavit of publication.

Notice was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Motions

Councilmember Merrill moved, seconded by Councilmember Lange to approve the consent agenda as printed. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried.

Councilmember Lange moved, seconded by Councilmember Pfeil to adopt the full agenda as printed. Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried.

Consent Agenda Items Approved

Minutes of the February 15, 2018, Special City Council meeting

Keno report for January 2018

Mid-State Engineering & Testing Inc. proposal for quality control testing for the Embrace Park and Splash Pad project for an amount estimated to be \$2,209.00

Mid-State Engineering & Testing Inc. proposal for quality control testing for the Victory Road Trail project for an amount estimated to be \$4,130.00

Mid-State Engineering & Testing Inc. proposal for quality control testing for the Riverfront/Johnson Park Trails project for an amount estimated to be \$3,465.00

BBRE, L.L.P. (A Wisconsin Limited Liability Partnership) easement agreement for the South Water Main Loop project for \$1,079.37

Christian Cross, Inc. (a Nebraska Nonprofit Corporation) and Fly By Night Fireworks, L.L.C. (a Nebraska Limited Liability Company) agreement to use Skyview Park for various activities to hold a Christian Cross Festival including but not limited to music performances, speakers, inflatables, vending of food and other items, and a fireworks display on Friday, June 8 and Saturday, June 9, 2018

Resolution No. 2018-8 approving the final plat and subdivision agreement of Clausen's 2nd Lot Subdivision

Norfolk Medical Real Estate, LLC easement agreement for construction and maintenance of utilities across Lot 1 of Fountain Point Addition, generally located in part of the Northeast 1/4 of the Northeast 1/4 of Section 30, T24N, R1W in Madison County, Nebraska

Fountain Point Development, LLC easement agreement for construction and maintenance of utilities across Lot 2, Fountain Point Addition, generally located in part of the Northeast 1/4 of the Northeast 1/4 of Section 30, T24N, R1W in Madison County, Nebraska

Norfolk Medical Real Estate, LLC easement agreement for construction and maintenance of utilities across a part of an unplatted tract being part of the South half of the Northeast Quarter of the Northeast Quarter of Section 30, T24N, R1W in Madison County, Nebraska

Norfolk Medical Real Estate, LLC easement agreement for construction and maintenance of utilities across a part of an unplatted tract being part of the North half of the Southeast Quarter of the Northeast Quarter of Section 30, T24N, R1W in Madison County, Nebraska

Norfolk Post 16 of The American Legion at Norfolk, Nebraska (a Chartered Unit of the Nebraska American Legion and its National Organization) agreement to use the baseball field at Veterans

Memorial Park for baseball practice, clinics, camps, and games (not including tournaments) from May 21, 2018 through August 31, 2018

Norfolk Youth Baseball, Inc. (a Nebraska Nonprofit Corporation) agreement to use the baseball and/or softball fields at Ta-Ha-Zouka Park for baseball practice and games (not including tournaments) and for limited use of the baseball field at Veterans Memorial Park from April 1, 2018 through October 31, 2018

Norfolk Youth Baseball, Inc. (a Nebraska Nonprofit Corporation) agreement to use the ball fields in Ta-Ha-Zouka Park on Saturday and Sunday, April 14 and 15, 2018, and Saturday and Sunday, May 5 and 6, 2018, to hold baseball tournaments

Norfolk Youth Baseball, Inc. (a Nebraska Nonprofit Corporation) agreement to use the ball fields in Ta-Ha-Zouka Park to be used for baseball practice, camps, and games for their 2018 baseball season, from March 16, 2018 through December 1, 2018

Bills in the amount of \$1,295,834.29

Special Presentations

The Mayor proclaimed March 2018 as, “Problem Gambling Awareness Month”, and February 27, 2018 as “Spay Day USA”.

Public Hearings and Related Items

Public Hearing

(14-CR-007 Phase II CDBG project)

A public hearing was held regarding the Community Development Block Grant (CDBG) #14-CR-007 Phase II Comprehensive Revitalization project.

Jan Merrill, Northeast Nebraska Economic Development, provided information to the Mayor and City Council. This is the second public hearing for this grant as required for each CDBG funded project. On August 29, 2014, the City of Norfolk was awarded \$150,000 of CDBG funds for the 14CR007 Phase II Comprehensive Revitalization project. Activities to be completed in the targeted area included \$81,000 for 12-inch water main reconstruction under Madison Avenue between 1st and 7th Streets; \$50,000 for single-family housing rental rehabilitation; \$4,000 for housing management; \$3,000 for lead based paint risk assessment/testing; and \$12,000 for general administration of the project. The City of Norfolk provided \$81,000 in match funds toward the water main reconstruction. In July of 2015, the City requested a budget amendment to reallocate \$50,000 from single-family housing rental rehabilitation to single-family housing owner-occupied rehabilitation (OOR). Originally, property owners participating in the housing rental rehabilitation program would have provided a 1:1 match toward the housing program; however, the City’s OOR program does not require a 1:1 match from the home owner; therefore a 1:1 match came from the Norfolk Housing Agency’s housing reuse program. The total estimated project cost for this phase was \$281,000.

To date \$81,000 of CDBG funds and \$81,000 of matching funds from the City have been expended for the Madison Avenue Sewer Project, \$14,776 of housing OOR, \$3,179.00 for

Housing Management and Lead Clearance, and \$9,893 For General Administration. Due to lack of eligible property owners the City will de-obligate \$35,224.00 of housing OOR funds and \$3,821.00 of Housing Management funds.

No one else appeared during the public hearing and the Mayor declared the hearing closed.

Public Hearing
(2018-2023 One and Six Year Street Improvement Plan)

A public hearing was held to consider the 2018-2023 One and Six Year Street Improvement Plan. Public Works Director Steve Rames provided information to the Mayor and City Council. The proposed 2018-2019 projects, which begin October 1, 2018, are as follows:

- Miscellaneous Street Maintenance Work by Contract, \$650,000
- 8th Street – Michigan Avenue to Omaha Avenue, \$50,000
- Miscellaneous Residential Paving Districts, \$30,000
- Box Culvert on South 5th Street over Corporation Gulch, \$125,000
- Widen Benjamin Avenue from 4-lane to 5-lane, 13th Street to 1st Street, \$400,000
- Reconstruct Braasch Avenue between 1st Street and 5th Street, \$690,000
- Bridge Maintenance Improvements, \$250,000

On February 6, 2018, the Norfolk Planning Commission held a public hearing regarding the 2018-2023 One and Six Year Street Improvement Plan. The City Clerk read the Planning Commission's recommendation for approval into the record.

Mayor Moenning said some projects may get accelerated and the City will seek to leverage resources where possible.

No one appeared either in favor of or in opposition to the 2018-2023 One and Six Year Street Improvement Plan and the Mayor declared the hearing closed.

Resolution No. 2018-9
(2018-2023 One and Six Year Street Improvement Plan)

Councilmember Merrill moved, seconded by Councilmember Fauss, to adopt Resolution No. 2018-9 approving the 2018-2023 One and Six Year Street Improvement Plan for Street Improvements.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried.

Public Hearing
(equivalent zones for unincorporated property)

A public hearing was held to consider an amendment to Section 27-7 of the City Code to modify the tables contained therein setting forth equivalent zones for unincorporated property that comes under the City's jurisdiction as a result of annexation or expansion of the City's extraterritorial zoning jurisdiction. City Planner Valerie Grimes provided information to the Mayor and City Council.

On February 6, 2018, the Norfolk Planning Commission held a public hearing regarding the City Code amendment. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the City Code amendment and the Mayor declared the hearing closed.

Ordinance No. 5520
(equivalent zones for unincorporated property)

Councilmember Lange introduced, seconded by Councilmember Fauss, Ordinance No. 5520 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTION 27-7 OF THE OFFICIAL CITY CODE TO MODIFY THE TABLES CONTAINED THEREIN SETTING FORTH EQUIVALENT ZONES FOR UNINCORPORATED PROPERTY THAT COMES UNDER THE CITY'S JURISDICTION AS A RESULT OF ANNEXATION OR EXPANSION OF THE CITY'S EXTRATERRITORIAL ZONING JURISDICTION; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. Ordinance No. 5520 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Pfeil, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Lange moved, seconded by Councilmember Pfeil, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5520 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5520 as required by law.

Public Hearing
(clarify intended use, height and area regulations in Agricultural District)

A public hearing was held to consider an amendment to Sections 27-71, 27-72, and 27-74 of the City Code to clarify the intended use, uses, and height and area regulations in District

A (Agricultural District). City Planner Valerie Grimes provided information to the Mayor and City Council. Grimes explained the City's new Comprehensive Plan was updated last year and staff are in the process of changing the City's zoning code based on the updated Comprehensive Plan. Grimes explained the City's Comp Plan says agriculture should be 40 acres as a minimum lot size; however, City Code has a minimum lot size of 20 acres in agriculture zoning. Both Madison County and Stanton County have 40 acres as the minimum lot size in agriculture zoning. Grimes feels 40 acre minimum lot size would help protect agricultural land for purposes of farming and other agricultural practices and protect the land from premature urbanization.

On February 6, 2018, the Norfolk Planning Commission held a public hearing regarding the City Code amendment. The City Clerk read the Planning Commission's recommendation for approval into the record.

No one appeared either in favor of or in opposition to the City Code amendment and the Mayor declared the hearing closed.

Ordinance No. 5521

(clarify intended use, height and area regulations in Agricultural District)

Councilmember Lange introduced, seconded by Councilmember Merrill, Ordinance No. 5521 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, NEBRASKA TO AMEND SECTIONS 27-71, 27-72, AND 27-74 OF THE OFFICIAL CITY CODE TO CLARIFY THE INTENDED USE OF AN AGRICULTURAL DISTRICT (DISTRICT A), TO CLARIFY THAT COMMUNICATION TOWERS ARE NOT PERMITTED USES IN DISTRICT A, AND TO AMEND HEIGHT AND AREA REGULATIONS IN DISTRICT A; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading. Said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. Ordinance No. 5521 passed on first reading.

Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rule requiring reading on three different days be suspended.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule requiring reading on three different days was suspended for consideration of said ordinance.

Thereafter Councilmember Lange moved, seconded by Councilmember Fauss, that the statutory rules requiring reading on three different days be suspended and for final passage of the ordinance. The Mayor then stated the question "Shall Ordinance No. 5521 be passed and adopted?"

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried. The passage and adoption of said

ordinance having been concurred in by a majority of all members of the Council, the Mayor signed and approved the ordinance and the City Clerk attested the passage and adoption of the same and affixed her signature thereto. The Mayor then instructed the City Clerk to publish said Ordinance No. 5521 as required by law.

Public Hearing

(Vandelay Investments, 211 W Northwestern Avenue)

A public hearing was held to consider a zoning change from I-2 (Heavy Industrial District) to R-3 (Multiple Family Residential District) on property addressed as 211 W Northwestern Avenue at the request of Vandelay Investments, LLC. City Planner Valerie Grimes provided information to the Mayor and City Council.

The property at 211 W Northwestern Avenue is the former railroad depot building and is zoned I-2 (Heavy Industrial). Zoning on the east, south and west sides of the property is I-2 and property to the north is zoned I-1. Grimes said the railroad is still active to the south of the property. The applicant proposes apartments in the building. Elected officials will also consider a preliminary planned development because the R-3 zoning would not be functional for this property with required buffer yards.

Ben Conover, developer, has renovated old properties in surrounding towns and the plan is renovate the former depot building into “9 very high-end apartments.” Renovating the building into apartments would preserve the aesthetics of the property. Conover said he has discussed the plan with industrial neighbors, including the railroad, who support of the project. Conover said Plan “B” for the building would be a mixed use for contractors with garages but the total façade would look different. However, with the timeframe of the purchase agreement, seeking a mixed use at this time doesn’t work.

Councilman Lange questioned whether any properties renovated in the other communities were located in industrial areas.

Conover said “they were not” and the properties “previously bought were downtown buildings with apartments on top, commercial on the bottom so we didn’t have to work with industrial issues at all.” Conover said “initially I-2 doesn’t make any sense but everything south of the railroad is more industrial” but everything north of the railroad is I-1 and more commercial and multi-family apartments. Conover said it appears the railroad just stores trains at that location.

Mayor Moenning “reminded everyone that the railroad is not a through-track” and asked whether Conover contacted the railroad.

Conover contacted Anna Palmer with Union Pacific Railroad (UP) who has contacts throughout the UP and was told “they would not have an issue with our projects given that we have fencing on the back side of the building for some kind of buffer.”

Councilmember Merrill questioned the proposed fencing, possible trespassing issues and whether children may be living in the apartments.

Conover said the east and west sides of the property will have 6’ privacy fences as well as some green space between the privacy fence and the concrete. On the backside of the building, the

corner of the building and the east and west lot lines 6' foot privacy fences were planned but, at the request of the railroad, it will be an 8' privacy fence. Several decks are planned for the front of the building with gated fencing for privacy. Conover said anyone would be able to live in the apartments.

The Mayor questioned current zoning to the north of Northwestern Avenue where there is a mix of commercial and residential because there are some residential and multi-family structures in that area.

Grimes said the zoning is I-1 from Hendricks to South Pine Industrial Road. Grimes said the residential and multi-family structures are non-conforming.

Councilmember Lange clarified that "any residential that exists is there because it used to be a motel probably associated with the rail yard and in lieu of the building being torn down that would be why it has the non-conforming residential use." Lange said "there is a fair amount of light industry in that area which is not conducive to supporting residential short of the motel that was converted into apartments." Lange questioned whether consideration was given to anything other than residential with this development.

Conover said the Plan B would be mixed use adding garages and spaces for contractors.

Mayor Moenning said "there is an element of mixed use there already as well as a bar and a civic organization.

Karen Larson, JEO Engineering, did the platting for this project. Larson said there isn't any exit from the back of the building and the fencing starts on the side of the building, making the building the barrier itself.

Councilmember Lange questioned whether the JEO survey shows how far the south side of the structure is from the property line.

Larson said "the eve of the building encroaches on the property line."

Councilmember Lange said it would then be zero lot line construction.

On February 6, 2018, the Norfolk Planning Commission held a public hearing regarding the City Code amendment. The City Clerk read the Planning Commission's recommendation for approval into the record.

Councilmember Lange referred to the February 5, 2018 letter from Union Pacific, which was distributed at the City Council meeting and made part of the record.

No one else appeared either in favor of or in opposition to the City Code amendment and the Mayor declared the hearing closed.

Ordinance No. 5522
(Vandelay Investments, 211 W Northwestern Avenue)

Councilmember Merrill introduced, seconded by Councilmember Fauss, Ordinance No. 5522 entitled: AN ORDINANCE OF THE CITY OF NORFOLK, MADISON COUNTY,

NEBRASKA; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF NORFOLK, NEBRASKA; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM and moved that the ordinance be passed on first reading.

Councilmember Lange expressed concern with the zoning change moving forward. Lange said the UP letter didn't appear to be quite so much in favor of the rezoning as Conover testified. Lange said the letter states, "The proposed Project location is adjacent to UP's property and railroad operations." Lange said Larson testified the property actually overhangs the railroad property. The letter goes on to state, "any land planning decisions should consider that train volumes near the Project area may increase in the future and this is an active rail corridor and any land uses should be compatible with this continuing rail use." The UP letter also addresses increased traffic impact; likelihood of trespassing; noise and vibration impact; and drainage and project construction. Lange said that at this point in time there are rail cars just stacked but elected officials need to remember that bonds were issued for hundreds of thousands of dollars by the Railroad Transportation Safety District and spent on this property less than 10 years ago to make it accessible for storage of all types of rail cars. Lange has concerns and said "it is a bad, bad idea" to locate residential next to a rail yard. Lange said "this is an industrial area and elected officials have talked numerous times about having to keep residential from encroaching on industrial areas." Lange would have no problem with the property being used for commercial use because people would not be sleeping there. Lange said "this is a very poor and unwise decision for this body to allow this zone change to move forward. Lange said "there is no way I can support this."

Mayor Moenning said City Administrator Colvin contacted the local railroad "that actually uses the line" about this project.

Colvin contacted Trace Meyer with Nebraska Central Railroad and "didn't get a whole lot of information about future plans but for right now they just store cars here and for maintenance." Colvin said "most of the activity is further to the west, closer to the viaduct." Colvin asked about this project and didn't get a feel for support or opposition to this project. Colvin said "Nebraska Central Railroad is aware of the project."

Mayor Moenning said "there has been some internal discussion about a mixed use district." Mayor asked Colvin to "talk a little about how a neighborhood such as this could lend itself to that kind of future land use planning?"

Colvin responded that this is a unique, historical area and "conflicts will happen." Colvin said "the street was designed for the railroad, you had people living there, businesses and stores there and industries by the area. From a community development standpoint, it does lend itself to being a unique district and planning it correctly and making it as best we can to balance out the industrial uses and engaging all the businesses in the area and having that overall conversation to create a mixed use district will involve a lot of people and take a lot of time." This is an "opportunity for revitalization of a building that would otherwise potentially go away."

Grimes said "residential and industrial districts are always a hard mix." Grimes questioned whether elected officials feel this area is more industrial right now or that it will go in a different direction if a mixed use overlay is used for the property. Grimes said the railroad has changed over the years also because it used to be a mode of transportation and, therefore, it made sense to

have residential and business right next to the railroad; however, railroad use has changed over the years.

Councilmember Merrill questioned whether “we are jumping the gun on a decision and maybe it is something that should be discussed further.”

Colvin said “not necessarily” and staff visited with Conover about the mixed use district which will involve a lot of people, including planning commission members and elected officials, and take a lot of time to develop. Colvin said the time frame to develop a mixed use district “was different from that of Conover for this development” and Conover made the decision to move forward with the zone change.

Councilmember Fauss “agrees with some of the things Lange said” and “this isn’t probably the best place to put this but it is a good place to probably get started if we are going to look at that and I don’t think that is one of our heavy industrial places right now.” Fauss said, “I don’t think that is a good place for industry at this time and it might be time for change. I would like to maybe support it tonight and get more input from the public on second and third reading to see what is going on.”

Mayor Moenning said “you do not see heavy industrial there right now and the likelihood of heavy industrial growing up there, that time has passed.” Moenning said “we have to consider the most prudent use of land as we move forward and, again, this is an inactive rail line and would be a major investment to make it active again without the justification of growing industry in the area. We are growing industry but it is not in that area. Some of the areas identified are in the northeast where industry is likely to grow.” Moenning said “the decision tonight is not looking back 100 years to what this was but looking into the future as to what it can be and what is best for revitalization of a historic neighborhood like that in our community.”

Councilmember Pfeil said there was more traffic in that area in the 1980s when The Depot was there because it was a restaurant and bar/nightclub.

Councilmember Lange doesn’t have a problem with commercial development for the area but a large bond issue was used to make a major investment in that area less than 10 years ago to open the rail yard and make the entire east side accessible. Lange said the UP owns the rail line and Nebraska Central Railroad only leases from the UP.

Councilmember Fauss agreed with Lange but said “it can’t go across First Street.”

Councilmember Pfeil feels there are many locations throughout the community where houses are located next to railroad lines.

Councilmember Lange said the tracks have been removed from across First Street but the UP still owns the land to the east. Lange said “we are putting houses next to railroad lines; not next to railroad yards and there is a significant difference.”

Councilmember Granquist said that if the railroad does expand they will need more area for storage and people living by the tracks is not a good idea. Residential located close to a railroad line is much different than residential located next to a railroad yard.

Mayor Moenning said elected officials need to manage “residential by the tracks. It is an inactive line now.” Moenning doesn’t “want to shut down opportunities to revitalize neighborhoods because we are hopeful that some mysterious industry develops/materializes where it hasn’t for a number of years.” Moenning said there “are instances throughout the community that we have had to manage that residential and commercial areas are close to a rail line.” Moenning said there “have been large industrial tracts in that area sitting idle for years and years regardless of major investment.” Mayor Moenning requested a summary of the Planning Commission discussion.

Grimes said the Planning Commission had concerns with the project located close to a railroad yard. Grimes feels the commissioners “got caught up in the mixed use potential and voted yes because the mixed use could happen.” However, there is no guarantee the mixed use district will occur and it “would be the City writing their own zoning district for that area.”

There being no further discussion, said ordinance was then read into the record by title by the City Clerk.

Roll call: Ayes: Councilmembers Dahlkoetter, Murren, Fauss and Pfeil. Nays: Granquist, Lange and Merrill. Absent: Jackson. *Ordinances require a vote of “a majority of city council members, or 5 votes, for passage; therefore, per Section 16-312 of State Statues, “The mayor . . . shall have the right to vote when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the city council.”* Mayor Moenning voted Aye; therefore, the motion carried on a 5-3 vote. Ordinance No. 5522 passed on first reading only.

Regular Agenda Items

Olsson Associates Letter Agreement Amendment #1 (South Water Main Loop Project)

Councilmember Merrill moved, seconded by Councilmember Fauss, to approve Letter Agreement Amendment #1 with Olsson Associates for the South Water Main Loop project for an amount of \$18,145.00 to relocate the 21” sewer.

Roll call: Ayes: Councilmembers Granquist, Lange, Merrill, Dahlkoetter, Murren, Fauss and Pfeil. Nays: None. Absent: Jackson. Motion carried.

Resolution No. 2018-10 (Vandelay Investments Preliminary Planned Development) (211 W Northwestern Avenue)

Councilmember Merrill moved, seconded by Councilmember Fauss, to adopt Resolution No. 2018-10 approving the Preliminary Planned Development on property addressed as 211 West Northwestern Avenue at the request of Vandelay Investments, LLC.

City Planner Val Grimes explained a planned development for the former Depot property at 211 West Northwestern Avenue would grant relief from subdivision regulations and allow zero lot lines to repurpose the current building. Because this request is for residential zoning in an industrial area, there are 100’ buffer yards required to the east, south and west sides and 40’ buffer yards required to the north of the property; therefore, the buffer yards would take up the

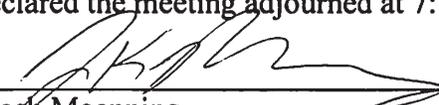
entire lot. To allow the use of the property for apartments with the residential zoning, a planned development is needed to provide relief from the following subdivision regulations: (1) buffer yards on all four sides would go to zero lot lines; (2) fence height restriction on the front yard is currently 4' and they would be allowed to go to 6'; (3) required landscaping adjacent to the street property line is a minimum 12.5' and the relief would be zero; and (4) building setback would be zero. Grimes said the preliminary planned development can be approved by elected officials but if Ordinance No. 5522 doesn't move forward at the next City Council meeting, the Final Planned Development cannot be considered for this property.

Roll call: Ayes: Councilmembers Dahlkoetter, Murren, Fauss and Pfeil. Nays: Granquist, Lange, Merrill. Absent: Jackson. Motion carried. Resolution No. 2018-10 was adopted. *(Note: A majority of city council members, or 5 votes, was not required for adoption of this resolution; however, Mayor Moenning cast a vote in favor of the resolution.)*

Administrative Reports

The Public Safety Annual Report was presented by Public Safety Director Shane Weidner, Fire Chief Scott Cordes and Police Chief Bill Mizner.

There being no further business, the Mayor declared the meeting adjourned at 7:10 p.m.



Josh Moenning
Mayor

ATTEST:


Elizabeth A. Deck
City Clerk

(SEAL)

I, the undersigned Clerk, hereby certify that the foregoing is the full, true and correct original document of proceedings of Tuesday, February 20, 2018, had and done by the Mayor and City Council; that all of the subjects included in the proceedings were contained in the agenda for the meeting; kept continually current and available for public inspection at the office of the Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.


Elizabeth A. Deck
City Clerk

(SEAL)

INCORPORATED
FEB 12, 1881
NEBRASKA